

and be able, as the trial proceeds, to apply them to the facts which will be proved, and which I will now state to you, according to the instructions of my client.

You have already learned that the Defendant's wife is the Plaintiff's daughter. They were married on the 25th of April, 1813. Their parents had for many years been neighbours, their families in habits of neighbourly intercourse, and they themselves brought up together, acquainted with each other from childhood. In point of age, education, circumstances, and prospects of life, the match was an equal one. It was preceded by an honourable course of attentions and courtship; and every thing seemed to justify an expectation of mutual comfort and respectability. But, I am sorry to be obliged to add, that scarcely four short months had elapsed, when the wife began to be treated with coldness, indignity and cruelty. She suffered long in silence, and endeavoured to hide her sufferings. Before she applied to her own family or friends for protection, she made an appeal to her husband's mother, for her interposition, to check the ill treatment she endured, still endeavouring to avoid any disclosure of it, to the prejudice of her husband. Suspicion, however, was excited. Rumour told the tale; and it reached the Plaintiff's ears. Upon going to the house, he found his daughter in tears, occasioned by her husband's treatment. The feelings of a father induced him to enquire into the cause, with a view to pacification, if possible. It was in vain. He ascertained that the Defendant was in the habit of flogging his wife; and he gave no hope of milder treatment, but, on the contrary, threatened still greater severity. A separation became necessary, for the wife's personal safety; and the Plaintiff could not refuse her a shelter under his paternal roof. The Defendant made no objection, at the time, to her removing, with her child. He even assisted in the removal, by seeking for her clothes and selecting some articles of furniture, which she carried with her. Here, then, was an act of assent on his part.

After he had time for reflection upon his unkind treatment of her, whom he had vowed to love and cherish, and whom it was his legal as well as moral duty to provide for and protect, he manifested no relenting or regret. On the other hand, he

exulted in the separation, as a triumph; took the child from her; and declared that he would never live with her again. This declaration he made to different persons, at various times, and repeated it some years ago to her sister, who conversed with him on the subject of being reconciled to his wife. He declared again, on that occasion, that he would not receive her, if she would come upon her knees to him. When you hear that fact from the mouth of the witness, remember, Gentlemen, that Lord Chancellor *Eldon*, in the passage of law which I read, has told you, if a man will not receive his wife, he turns her out of doors, and is answerable for her maintenance.

The repeated and uniform declarations of the Defendant, that he would never more live with his wife, being made known to her and to the Plaintiff, would have excused them, had an excuse been necessary, for omitting any further attempts for a reconciliation. But the injured, yet still affectionate wife, having seen her prospects blighted, her child torn from her bosom, and herself consigned to a state of seclusion and mortification, resolved to make one more effort. With that view, she obtained from her father a conciliatory letter to the Defendant, went to him personally, accompanied by her sister, and, in the most respectful terms, proposed and solicited that all which had passed, of an unpleasant nature, should be buried in oblivion, and they once more live together in peace and harmony. He received her proposal with coldness, evasion and insult; took a month's time to consider of it; talked about a sweet-heart kept at Montreal, and sent her back to her father with a letter, which I will produce in evidence, prescribing, in the mean time, some humiliating preliminaries, with which, from her anxiety for a reunion, she readily complied. At the end of the month, she went again to his house, to know his determination; but he required of her, as conditions of her reception, what I am ashamed to mention in a Court of Justice; that she should not eat at his table, nor sleep with him, or if she did, he would have another man sleep in another bed in the same room; that she should be confined to a chamber, and have no control or charge of the house, nor be permitted to receive or visit her family or friends; that he had a number of children about the country, whom she would

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